

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

**GWACS ARMORY, LLC, an Oklahoma limited
liability company,**

Plaintiff,

v.

**KE ARMS, LLC
RUSSEL PHAGAN, SINISTRAL SHOOTING
TECHNOLOGIES, LLC
BROWNELLS, INC. and
SHAWN NEALON,**

Defendants,

and

KE ARMS, LLC,

Plaintiff,

v.

**GWACS ARMORY, LLC, GWACS
DEFENSE INCORPORATED,
JUD GUDGEL, RUSSEL ANDERSON,
DOES I through X, and ROE
CORPORATIONS I through X,**

Defendants.

Case No. 20-CV-0341-CVE-SH

BASE FILE

Consolidated with:

Case No. 21-CV-0107-CVE-SH

PLAINTIFF’S AND COUNTERCLAIM DEFENDANT’S PRETRIAL DISCLOSUES

COMES NOW, Plaintiff and Counterclaim Defendant, GWACS Armory, LLC (“Armory”), by and through its attorneys of record, and pursuant to FRCP 26(a)(3), submits its pre-trial disclosure of witnesses and exhibits.

I. LIST OF WITNESSES ARMORY EXPECTS TO PRESENT AT TRIAL:

	Name and Address	Subject of Discoverable Information
1.	Jud Gudgel c/o JONES, GOTCHER & BOGAN P.C. 15 East Fifth St. Suite 3800 Tulsa, OK 74103	Mr. Gudgel is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
2.	Shel Jones c/o JONES, GOTCHER & BOGAN P.C. 15 East Fifth St. Suite 3800 Tulsa, OK 74103	Mr. Jones is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
3.	Scott Merrill c/o JONES, GOTCHER & BOGAN P.C. 15 East Fifth St. Suite 3800 Tulsa, OK 74103	Mr. Merrill is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
4.	Russell Anderson c/o JONES, GOTCHER & BOGAN P.C. 15 East Fifth St. Suite 3800 Tulsa, OK 74103	Mr. Anderson is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
6.	Brian Haygood, P.E. System Engineering and Laboratories 12785 State Highway 64 East Tyler, TX 75707	Mr. Haygood will serve as the Plaintiff's expert witness, and is expected to testify regarding his review of the records, his findings and opinions, within a reasonable degree of certainty, regarding the damages, if any, sustained by Defendants, and related issues in his report produced herein; and as to any other matter relevant to this action which may be elicited by counsel at trial.

7.	KE Arms, LLC, Rule 30(b)(6) Designee c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	KE Arms, LLC is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages it claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
8.	Brownells, Inc., Rule 30(b)(6) Designee c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Brownells, Inc. is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages it claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
9.	Russell Phagan c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Phagan is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
10.	Shawn Nealon c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Nealon is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
11.	Karl Kasarda c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Kasarda is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
14.	Iain Harrison c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Harrison is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this

		action which may be elicited by counsel at trial.
15.	Jovan Beltran c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Beltran is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
16.	Mike Kenny c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Kenny is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
17.	Paul Levy c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Levy is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
18.	Randy Sperry c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Sperry is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.

Armory reserves the right to call witnesses listed by any other party.

II. LIST OF WITNESSES TO BE SUBPOENAED:

1. Michael Kenney
2. Paul Levy
3. KE Arms, LLC 30(b)(6) Designee
4. Brownells, Inc. 30(b)(6) Designee
5. Karl Kasarda

6. Iain Harrison
7. Jovan Beltran
8. Paul Levy
9. Randy Sperry

III. WITNESSES WHOSE TESTIMONY MAY BE PRESENTED BY DEPOSITION:

1. Karl Kasarda
2. Randy Sperry
3. Jovan Beltran
4. Iian Harrison
5. Michael Kenney

IV. WITNESSES WHOSE TESTIMONY MAY BE PRESENTED BY DEPOSITION AS DEEMED NECESSARY FOR IMPEACHMENT AND/OR REBUTTAL:

1. Karl Kasarda
2. Randy Sperry
3. Jovan Beltran
4. Iian Harrison
5. Michael Kenney
6. Russell Phagan
7. Shawn Nealon

V. LIST OF DOCUMENTS ARMORY EXPECTS TO USE AT TRIAL:

No.	Document Description	Bates No.
1.	Online Post 9/16/11 CAV-15 for Sale	Depo Ex. 40
2.	Cavalry Arms CAV-15 Mold & IP for Sale 9/21/11	Armory 130-139
3.	Email Jones/Phagan & Sales Packet 9/27/11	KEA 2050-2073
4.	Email Jones/Phagan 9/28/11	Armory 6-11
5.	Email Phagan/Jones 9/28/11	KEA 90-92
6.	LOI to SST & Emails 10/4/11	KEA 96-100

7.	SST NDA dated 10/6/11	Armory 207-209
8.	Emails Phagan/Jones 10/18/11-10/24/11	KEA 120-122
9.	Emails Phagan/Jones 10/31/11-11/19/11	KEA 155-157
10.	Asset Purchase and Sales Agreement dated 11/22/11	KEA 178-186 & 39-40
11.	Email Phagan to Jones Customer List 1/9/12	KEA 204-205
12.	Email Phagan to Jones FedEx Packages 1/11/12	KEA 206-208
13.	Email Phagan to Jones Take Down Pins 1/13/12	KEA 2078
14.	Letter from Nealon to Armory 2/14/12	KEA 2044
15.	SST Post Re: sale of CAV-15 4/6/12	Armory 120-129
16.	Email Phagan to Jones 12/18/12	KEA 2080
17.	Email Phagan to Armory 1/27/13	KEA 2081
18.	Email Phagan to Jones 2/27/13	KEA 2082
19.	Email Phagan to Jones 2/8/13	Armory 202-204
20.	Phagan Resume 2013	Armory 205-206
21.	Email Phagan to Jones 2/25/13 Sales Rep & NDA	Armory 2
22.	Phagan Sales Rep Agreement 2/25/13	Depo Ex. 26
23.	SST NDA 5/9/13	Depo Ex. 27
24.	Email Phagan to Jones 3/27/13	KEA 2085
25.	Emails Phagan/Jones 5/9/13	KEA 2101-2106
26.	Brownells NDA 5/31/13	KEA 44-46
27.	Cavalry Manufacturing, LLC Website Post 2013	Armory 119
28.	Cavalry Manufacturing, LLC Website Post 2014	Armory 140
29.	Email Phagan to Jones 6/2/15 Re: KEA NDA	Armory 243
30.	KEA NDA 6/2/15	KEA 41-43
31.	Armory April 2015 Investment Executive Summary	Armory 235-242
32.	Email Phagan to Jones 6/1/16 Re: Proposal	KEA 221-222
33.	Emails Phagan/Jones 6/17/15 Re: Mold cad	KEA 215
34.	Email Phagan to Jones 6/29/16 CAV-15 zip	Armory 169
35.	Brownells NDA 1/24/16	KEA 47-49
36.	Email Jones to Levy Re: NDA 2/2/17	KEA 461-464
37.	Emails Levy/InRangeTV 4/9/18 -4/10/18	KEA 492-493
38.	Emails Levy/InRangeTV 4/13/18	KEA 532
39.	Emails Jones/Levy 4/18/18 – 4/19/18	Armory 261-262
40.	Armory April 2018 Financing Executive Summary	Armory 144-160
41.	Email Brownells WWSD Variance 4/20/18	KEA 411
42.	Email Levy/InRangeTV 4/20/18 Brownells Variance	KEA 488
43.	Emails Levy/Jones GWACS Armory CAV 15 4/20/18	Armory 258-260
44.	Emails Jones/Levy/Faxon 4/20/18-4/23/18	Armory 255-257
45.	Brownells Projected CAV-15 Orders 5/17/18	Armory 110
46.	Emails Levy/InRangeTV/Gudgel 6/5/18	KEA 378
47.	Text Messages b/w Phagan and Jones	Depo Ex. 63
48.	KEA Credit Memo to Armory 7/31/18	KEA 62
49.	Emails Levy/InRangeTV 9/6/18-9/10/18	KEA 560-561
50.	Email Levy to Jones Receiver Update 9/10/18	Armory 4-5
51.	Emails Gudgel/Levy & Levy/Phagan 9/11/18	KEA 440-441

52.	Emails Levy/Jones & Levy/KEA&InRange 9/11/18	KEA 482-483
53.	Emails Levy/Phagan & InRange 9/11/18	KEA 721-723
54.	Emails Levy/Gudgel 9/27/18	KEA 448-451 & 456-460
55.	Emails Levy/Gudgel 10/5/18-10/29/18	KEA 402-403
56.	Emails Levy/Gudgel 10/29/18-11/5/18 Timeline & Ins.	Armory 252
57.	Emails Levy/Jones/Gudgel 9/10/18-10/1/18	KEA 396-397
58.	Armory Product Submission to Brownells	KEA 389-395
59.	Brownells Catalog CAV-15 MKII & MKIII	Depo Ex. 28
60.	Email Phagan to Levy Re: GWAC Listing 8/15/19	KEA 699-700
61.	Email Phagan to Levy WWSD 2020 8/27/19	KEA 885
62.	Email Phagan to Levy Re: MK Submission 9/10/19	KEA 705-709
63.	Email Phagan to Levy Re: Brownells WWSD 9/18/19	KEA 724-725
64.	Email Phagan to Levy Re: PO 09585734 9/30/19	KEA 704
65.	Email Phagan to Levy/InRangeWWSDMedia/Press 10/8/19	KEA 701
66.	Email Phagan to Levy Re: Dist. Mk3 Design 10/9/19	KEA 702-703
67.	Emails Phagan/Levy Re: Shot Show 10/28/19-11/15/19	KEA 748-750
68.	SST Post The KE Arms Poly. Rec. 11/22/19	Depo Ex. 70
69.	Jerking the Trigger Article, It Lives... 11/22/19	Armory 163-168
70.	Email Phagan to Levy RECOIL ad 11/22/19	KEA 710-718
71.	RECOIL article KE Arms Ann. Mk3 11/22/19	Armory 172-177
72.	Email Phagan to Levy MK3 Wireframe 11/27/19	KEA 693-698
73.	Emails Phagan/Levy 11/27/19	KEA 729-730
74.	Email MDI/Scheretech MK3 Updated 11/27/19	MDI 171
75.	Email Phagan to Ray Scherer Re: Meeting Links 12/4/19	MDI 204
76.	Branson Invoices 12/27/19	KEA 53-54
77.	Email Phagan to Levy/Brownells 1/3/20	KEA 633-635
78.	Emails Levy/Phagan Re: WWSD for IWA 1/11/20	KEA 664
79.	Email Phagan to Levy Re: PROTO-01 1/16/20	KEA 598
80.	Email Brownells/Levy/Phagan Shot Show 1/20/20	KEA 645-649
81.	Email Phagan to Levy Drop Box Link for Photos 1/20/20	KEA 566
82.	Email Levy to Phagan Pre-Orders 1/27/20	KEA 640
83.	Brownells website KP-15 WWSD 2020	Armory 182
84.	Brownells website KP-15 WWSD 2020	Armory 183-184
85.	Brownells website KP-15 WWSD 2020	Armory 185
86.	2 nd Amendment Wholesale Website 11/13/20	Armory 191-193
87.	InRange WWSD 2020 Safety & Instruction Manual	KEA 927-950
88.	CAV-15 Owner's Manual	KEA 2092-2098
89.	Moldworx Invoices 1/7/20 – 9/30/20	KEA 2154-2159
90.	Emails Scheretech MK3 Program 12/11/19 - 2/4/20	MDI 214-221
91.	Conventus Beyond Polymers 30% long glass	MDI 159-160
92.	Email Phagan to Levy Re: Release Date 2/12/20	KEA 591
93.	Emails Sperry/Beltran/Phagan Serial Insert 3/17/20	MDI 228-231
94.	Emails Armory to KEA Cease & Desist 4/7/20	KEA 67-68
95.	Emails Phagan/Taylor/Sperry/Beltran 4/3/20-4/8/20	Branson 1-3
96.	KP-15 CAM file data screenshot	Depo Ex. 192

97.	Email Phagan to Levy Poly. Rec. Model Update 4/16/20	KEA 596
98.	Email Phagan to Levy Re: Cease & Desist 4/21/20	KEA 620-621
99.	Email Phagan to Levy Re: PDQ Levers KP-15 4/30/20	KEA 595
100.	Emails Phagan/Beltran/Pivot Point 5/20/20-5/28/20	Depo Ex. 190
101.	Emails Phagan to Pivot Point 5/20/21-5/21/21	Depo Ex. 201
102.	Email Phagan to Levy GI Parts Kit 6/3/20	KEA 573-574
103.	Emails Levy/Phagan Re: Comp. Parts 7/30/20-8/3/20	KEA 626
104.	Emails Levy/Phagan KP-15/WWSD Update 10/21/20	KEA 630
105.	Emails Phagan/Levy Re: WWSD Page 12/10/20-12/14/20	KEA 668-669
106.	Email Levy/InRange 2/4/21 & Royalty Agreement 4/12/18	KEA 562-563
107.	Emails Levy/Phagan Re: WWSD First Batch 3/2/21	KEA 662
108.	Emails Phagan/Levy Re: Product Photography 3/3/21	KEA 349
109.	Sperry Design Services Invoice 5/14/21	KEA 2162
110.	Moldworx/Sperry Design Drawings	Sperry 4-6, 28, 31-32, & 42-45
111.	Photos of Example Lower	Sperry 9-11
112.	KE Arms DFM Evaluation 1-10-20	Sperry 13-22
113.	Emails Phagan/Sperry/Beltran MK3 1/8/20 - 1/15/20	Sperry 23-27
114.	Emails Phagan/Sperry Re: Area	Sperry 55-60
115.	Sperry Design Services Invoice 6/9/21 & Emails	Sperry 61-64
116.	Emails Phagan/Sperry KP15 5/7/21	Sperry 65-66
117.	MK3 Gate Style Comparison	MDI 3131
118.	Email Phagan/Sperry/Taylor 1/27/20 Wraithworks	Sperry 12
119.	2 nd Amendment Wholesale Mailer WARP-15	Armory 216
120.	Sperry Design Services Final Release 6/9/21	KEA 1257-1303
121.	Branson Invoices & TDG Payments	Branson 34-42
122.	Tool & Design Group Checks	T&DG 1-9
123.	KEA payments to TDG spreadsheet	T&DG 10
124.	Tool & Design Group Bank Statements & Checks	Zion STD 1-138
125.	RSR Group P.O.'s & Communications	RSR 2-36
126.	Emails Phagan/Pivot Point 1/17- 1/18/19	PivotPoint 77-79
127.	Pivot Point Customer Summary 8/1/13 – 12/13/21	PivotPoint 75
128.	Pivot Point Sales Analysis 11/13/15 – 12/13/21	PivotPoint 110
129.	Pivot Point Purchase Orders	PivotPoint 99-102, 105, 108, 115, 125, 133, 135, & 142
130.	Brownell Invoices; Dated September 21, 2021	KEA975-980 & 983-1086
131.	Annual Firearms Manufacturing & Expert Report for the Year 2020 Interim*	KEA1134 & KEA1157
132.	2018-2020 Taxes	KEA1099 - KEA1107
133.	Brownells' Model/Serial No., KE Arms Manufacturing List dated December 2, 2020	KEA603 - KEA606
134.	Joint Defense Agreement SST, Phagan, TDG & Beltran dated May 25, 2022	
135.	Documents produced by MDI	

136.	Demonstrative Exhibit CAV-15 & KP-15 Buttstock Dims	Depo Ex. 181 & 182
137.	Demonstrative Exhibit CAV-15 & KP-15 Buttstock Surface Knit Line Dimensions	Depo Ex. 191
138.	Demonstrative Exhibit CAV-15 & KP-15 Pins	
139.	Plaintiff's Expert Reports	
140.	Defendants' Expert Reports	

Armory reserves the right to amend, supplement, or add to this list of documents, any documents, other exhibits or demonstrative evidence which may be relevant to the issues of this case. Further, Armory reserves the right to use any documents identified by any other party.

Dated November 16, 2022.

Respectfully submitted,

JONES, GOTCHER & BOGAN, P.C.

s/Tadd J.P. Bogan

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Attorneys for Plaintiff, GWACS Armory, LLC

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2022, I electronically transmitted the attached document to the Clerk of Court using the Electronic Case Filing System for filing. Based on the record currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the ECF System.

s/Tadd J.P. Bogan

Tadd J. P. Bogan